

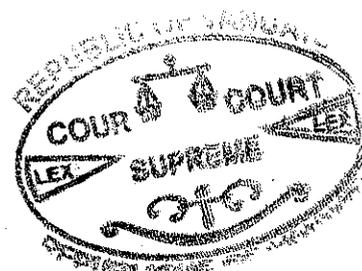
BETWEEN: Public Prosecutor

AND: Debi Mackenzie
Defendant

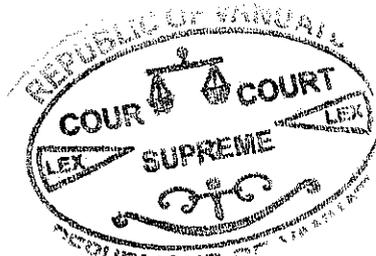
Date of Plea: 10th March 2026
Date of Sentence: 13th March 2026
Before: Hon. Oliver A Saksak
Counsel: Mr Lenry Young for Public Prosecutor
Mr Harrison Rantes for the Defendant

SENTENCE

1. The accused pleaded guilty to one charge of unlawful sexual intercourse contrary to section 97 (1) of the Penal Code Act. Conviction was recorded against him upon his guilty plea and he is for sentence today.
2. The facts are simple. The victim and complainant was 12 years old, born on 2nd September 2008. The defendant was a student attending Isangel College of 21 years old. The victim was also a student at lenaula school.
3. On 23rd January 2021 the complainant went to her sister's house to sleep at about 20:00 hours. At her sister's house the complainant saw the defendant along with Jessica and her boyfriend. They had some conversations and subsequently the complainant's sister Marie went to sleep with Kolie her boyfriend in another house. They gave their mobile phone to the complainant and the defendant to watch movies.
4. Later that night the defendant started to force the complainant into having sex with him. They made some noise which caught Marie's attention and she went to retrieve her phone and left. The defendant continued to force the complainant to have sex but she refused. He then removed the complainant's pantie, opened her legs and penetrated her vagina. The complainant felt pain. It was her first time. She wanted to scream but the defendant threatened to assault her if she did. The defendant continued to have sex with the complainant until he ejaculated. He told the complainant not to tell anyone.
5. At around 12:00pm (midnight) Kolie came around to call the defendant and both of them returned to their house.
6. The complainant became pregnant as a result of the sexual intercourse.
7. These facts were related back to the defendant by the prosecutor. Mr Rantes confirmed to the Court that the defendant had accepted the facts.



8. The offence of unlawful sexual intercourse is a very serious offence. It carries the maximum punishment of life imprisonment.
9. The victim and complainant was only 12 years old in 2021 when the offending occurred. The offence was aggravated by the use of force and threats made by the defendant. She was in a vulnerable position at her age. She felt pain and faced the risk of catching venereal diseases due to unprotected sex. She conceived as the result of the sexual intercourse. She had refused to have sex with the defendant but he persisted and threatened to assault her. The offence occurred at her sister's house where the complainant was supposed to feel safe. The defendant had taken advantage sexually of a vulnerable and young victim. The age difference between them is 9 years. She lost her dignity as a result.
10. In sentencing the defendant the Court must follow the principle in PP v Gideon [2002] VUCA 7 to impose a custodial sentence without suspension. There are no mitigating circumstances.
11. By comparison with the case of PP v Kemkem [2020] VUCA 283 I think this case is more serious due to its aggravating features. I also note the cases of PP v Harry [2025] VUSC 274 and PP v Patunvanu [2025] VUSC 182.
12. It is my view therefore that a custodial sentence is appropriate. I therefore sentence the defendant to imprisonment. I set the starting point at 8 years imprisonment.
13. In mitigation I consider the factors contained in the Same Day Report of the Probation Officer and the submissions for defence Counsel, Mr Rantes.
14. First I take into account his guilty plea. Having done so, he has saved time and cost for everyone. Further he has saved the complainant from trauma of retelling the story in public. For this factor I allow the full one third reduction. His start sentence is reduced by 2 years and 8 months. The balance is 5 years and 4 months.
15. Next for his Same Day Report, I note he is a young man with a wife and a young child. His father and chief speak well of him and his involvement in their community. I note he is a simple village boy ending his education at year 13 but involves himself with agriculture and livestock with an ambitious future for his family and children. I note his clean and unblemished record with no past criminal convictions. I note his continuing support for the 5 year old girl who was conceived and born as a result of this offending, and his willingness to perform a family reconciliation ceremony.
16. For all these factors, I deduct the balance of his sentence by 1 year. That leaves his end sentence to be 4 years and 4 months imprisonment.
17. Finally I note that the defendant has been in custody on remand from 28 May 2025. In order that he does not lose his parole privilege, I order that his end sentence of 4 years and 4 months imprisonment be backdated to 28th May 2025.



18. I accept Prosecutions submission that there will be no suspension of sentence.
19. This sentence is effective as of today but backdated to 28th May 2025.
20. The defendant may be eligible to apply for parole after serving half of his 4 years and 4 months sentence.
21. The defendant has a right of appeal against this sentence within 14 days if he does not agree with it.

DATED at Isangel, Tanna this 13th day of March 2026

BY THE COURT



Hon. Justice Oliver A Saksak

